

REMARKS

Claims 1-3, 5-7, 19-23, 25, 31-36, 38-42, and 44-66 stand rejected as being anticipated by Takahashi. Additionally, claims 4, 8, 37, 43, and 17-18 stand rejected as being obvious over Takahashi in view of either Kayanuma, Pagliuso, or Bulland. All of the rejections fail, however, because Takahashi does not qualify as valid prior art.

According to the information printed on the face of the Takahashi published application, Takahashi was filed in the U.S. on June 24, 2003. Takahashi does not appear to have been filed as a National Stage application. Therefore, the §102(e) date for Takahashi is June 24, 2003.

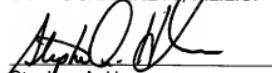
The § 1.131 declaration and accompanying Exhibits submitted with this response evidences the fact that the inventor of the present application conceived of the invention not later than March 12, 2003 - well before the Takahashi application was filed in the U.S. The inventor then pursued with due diligence filing an application covering the subject matter, which constitutes constructive reduction to practice. Accordingly, Takahashi cannot qualify as prior art, and any rejections based on Takahashi fail as a matter of law.

Applicant also notes that the Examiner has made the restriction requirement final. Although Applicant disagrees with this decision, Applicant has withdrawn the unelected claims 9-13, 24, and 26-30. Applicant reserves the right to prosecute these claims in a future application.

In light of the foregoing remarks, Applicant respectfully requests the allowance of all pending claims.

Respectfully submitted,

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